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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST  
9 LITIGATION

No. M 07-1827 SI  
MDL. No. 1827

10  
11 Case Nos.: C 10-4572 SI; C 10-117 SI; C 10-  
12 4945 SI; C 10-5625 SI; C 10-5458 SI; C 10-  
13 3205 SI; C 10-3619 SI; C 1903517; C 10-  
14 4346 SI; C 11-0058 SI  
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16 This Order Relates to Direct Action cases filed  
17 by:  
18 Best Buy Co., Inc.; Electrograph Systems, Inc.;  
19 Target Corp.; Arthur H. Siegel, trustee of Circuit  
20 City; SB Liquidation Trust; Tacfone Wireless,  
21 Inc.; State of Missouri, et al. (Five State); State  
of Florida; State of Oregon; and Costco  
Wholesale Corp.

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**ORDER DENYING LG DISPLAY  
AMERICA, INC. AND LG DISPLAY CO.,  
LTD.'S MOTION FOR LEAVE TO  
AMEND**

Defendants LG Display America, Inc., and LG Display Co., LTD (collectively, "Defendants")  
have filed a motion in the above-captioned direct purchaser actions for leave to amend their answers to  
add additional defenses and to file a counterclaim for declaratory relief. Master Docket No. 5271.  
Having considered the arguments presented in the moving papers, the Court hereby DENIES  
Defendants' motion.

Defendants seek leave to amend their answers to "add additional defenses and a counterclaim  
to address the risk of duplicative liability caused by multiple plaintiffs seeking to recover for the same  
alleged overcharge." Motion at 1. Defendants' moving papers set out arguments very similar to those  
made in Defendants' Motion Regarding Trial Structure and For Relief to Avoid Duplicative Damages.  
*See* Master Docket No. 5258. The Court found then and finds now that Defendants have not provided  
legal basis for their proposed "violation of laws of duplicative recovery" defense or for their proposed  
counterclaims for declaratory judgement regarding the same. *See e.g., In re Flash Memory Antitrust*

1 *Litig.*, 643 F. Supp. 2d 1143, 1156 (N.D. Cal. 2009) (“Duplicative recovery is, in many if not all cases  
2 alleging a nationwide conspiracy with both direct and indirect purchaser classes, a necessary  
3 consequence that flows from indirect purchaser recovery.”) (quoting *In re Dynamic Random Access  
4 Memory (DRAM) Antitrust Litig.*, 516 F. Supp. 2d. 1072, 1089 (N.D. Cal. 2007)). Should Defendants  
5 wish to challenge any allocation of damages, they are free to do so post-trial.

6 Accordingly, the Court DENIES Defendants’ Motion for Leave to Amend. Master Docket No.  
7 5271.

8 **IT IS SO ORDERED.**

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10 Dated: May 25, 2012

  
11 SUSAN ILLSTON  
12 United States District Judge